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John E. Hudson

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EXAMINER

EWART, JAMES D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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1 The opinion in support of the decision being entered today  
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN E. HUDSON

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Appeal 2006-2498  
Application 09/688,557  
Technology Center 2600

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Decided: September 17, 2007

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Before LANCE LEONARD BARRY, JEAN R. HOMERE,  
and JOHN A. JEFFERY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

ORDER REQUIRING APPELLANT  
TO BRIEF AN ADDITIONAL MATTER

I. STATEMENT OF THE CASE

A Patent Examiner rejected claims 1-48. The Appellant appeals therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

## II. ILLUSTRATIVE CLAIM

Claim 15, which illustrates the invention, follows.

15. A communications terminal comprising a plurality of modems coupled to an antenna arrangement, the antenna arrangement supporting a plurality of simultaneous communications links, a number of the plurality of simultaneous communications links bearing content data, wherein the content data born by each of the number of the plurality of simultaneous communications links are non-identical.

## III. LEGAL PRINCIPLES

When the Appellant filed his Supplemental Brief on Appeal, such a brief was required to include "[a] concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters." 37 C.F.R. § 41.37(c)(1)(v)(2005).<sup>1</sup>

"[R]eference to page and line number of the specification . . . is [always] considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application." M.P.E.P. § 1206 (8th ed., 3d, rev., Aug. 2005).<sup>2</sup>

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<sup>1</sup> We cite to the version of the Code of Federal Regulations in effect when the Appellant filed his Supplemental Brief on Appeal.

<sup>2</sup> We cite to the version of the Manual of Patent Examining Procedure in effect when the Appellant filed his Supplemental Brief on Appeal.

#### IV. ANALYSIS

Here, independent claim 15 recites in pertinent part the following limitations: "a plurality of modems coupled to an antenna arrangement. . . ." Because the Appellant's *Summary of the Claimed Subject Matter* mentions neither the "plurality of modems" nor the "antenna arrangement," it fails to explain the subject matter defined in claim 15. Although the *Summary* cites to a few reference characters, moreover, it does not refer to the Appellant's Specification by page and line number.

We decline to substitute our speculation Specification for the greater certainty that should come from the Appellant summarizing claim 15. Because he separately argues the patentability of claim 15, (Br. 7), a specific summary thereof is especially important. We likewise decline to substitute our speculation for the greater certainty that should come from the Appellant referring to pages and line numbers of the Specification that describe the subject matter of claims 1 and 15. Because the Appellant emphasizes (via underlining) that the invention of claim 1 features "a plurality of base stations" and "links," (Br. 3), moreover, it would be proper for him to designate reference characters for these limitations.

Any additional Brief submitted by the Appellant should be self-contained with respect to all arguments. No prior Briefs should be referenced or incorporated therein. Furthermore, any Answer submitted by the Examiner should be self-contained with respect to all rejections and

arguments; no prior Answer or Office action should be referenced or incorporated therein.

#### V1. CONCLUSION

Under 37 C.F.R. § 41.50(d), we give the Appellant a non-extendable time period of thirty days within which to respond to this order. Failure to comply with the order within that time may result in the *sua sponte* dismissal of his appeal. 37 C.F.R. § 41.50(d). No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

#### ORDERED

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